

## **EXHIBIT A**

**SUPREME COURT OF THE STATE OF NEW YORK**  
**COUNTY OF NIAGARA**

**KATHLEEN FINK,**

Plaintiff/Petitioner,

- against -

Index No. 801967/2015

**VIKING CLIENT SERVICES, INC.,**

Defendant/Respondent.

**NOTICE OF COMMENCEMENT OF ACTION**  
**SUBJECT TO MANDATORY ELECTRONIC FILING**

PLEASE TAKE NOTICE that the matter captioned above, which has been commenced by filing of the accompanying documents with the County Clerk, is subject to mandatory electronic filing pursuant to Section 202.5-bb of the Uniform Rules for the Trial Courts. This notice is being served as required by Subdivision (b) (3) of that Section.

The New York State Courts Electronic Filing System ("NYSCEF") is designed for the electronic filing of documents with the County Clerk and the court and for the electronic service of those documents, court documents, and court notices upon counsel and self-represented parties. Counsel and/or parties who do not notify the court of a claimed exemption (see below) as required by Section 202.5-bb(e) must immediately record their representation within the e-filed matter on the Consent/Represent page in NYSCEF. Failure to do so may result in an inability to receive electronic notice of document filings.

Exemptions from mandatory e-filing are limited to: 1) attorneys who certify in good faith that they lack the computer equipment or (along with all employees) the requisite knowledge to comply; and 2) self-represented parties who choose not to participate in e-filing. For additional information about electronic filing, including access to Section 202.5-bb, consult the NYSCEF website at [www.nycourts.gov/efile](http://www.nycourts.gov/efile) or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: [efile@nycourts.gov](mailto:efile@nycourts.gov); mailing address: 60 Centre Street, New York, New York 10007).

Dated: 02/17/2015

s/Cyrus B. Chubineh (Signature)

Cyrus B. Chubineh, Esq. (Name)

Law Office of Cyrus B. Chubineh (Firm Name)

2655 Millersport Hwy. #714 (Address)

Getzville, NY 14068

(716) 864-0715 (Phone)

chubineh@yahoo.com (E-Mail)

To:

VIKING CLIENT SERVICES, INC.

7500 Office Ridge Circle, Suite 100

Eden Prairie, MN 55344

**FILED: ERIE COUNTY CLERK 02/16/2015 03:51 PM**

NYSCEF DOC. NO. 1

INDEX NO. 801967/2015

RECEIVED NYSCEF: 02/16/2015

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NIAGARA**

KATHLEEN FINK,

Plaintiff(s),

*-against-*

VIKING CLIENT SERVICES, INC.,

Defendant(s).

Index No. 801967/2015

**Summons**

Date Index No. Purchased: February 16, 2015

To the above named Defendant(s)

Viking Client Services, Inc.  
7500 Office Ridge Circle, Suite 100  
Eden Prairie, Minnesota 55344

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of venue is the residence of the plaintiff  
which is 5103 Tuscarora Road, Niagara Falls, New York 14304

Dated: Getzville, New York

February 16, 2015

Law Office of Cyrus B. Chubineh

by s/Cyrus B. Chubineh

Cyrus B. Chubineh, Esq.

Attorneys for Plaintiff

Kathleen Fink

2655 Millersport Hwy. #714  
Getzville, NY 14068

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NIAGARA

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KATHLEEN FINK on behalf of herself  
and all others similarly situated,

Plaintiff,

v.

VIKING CLIENT SERVICES, INC.,

Defendant.

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Index Number: 801967/2015

Class Action Complaint

**INTRODUCTION**

1. Plaintiff Kathleen Fink brings this action on behalf of herself, and a class of consumers, for statutory damages resulting from defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (hereinafter "FDCPA"). The FDCPA is a law prohibiting the unfair collection of consumer debts.

**PARTIES**

2. Plaintiff Kathleen Fink (hereinafter "Fink") is a natural person residing in the County of Niagara, State of New York.

3. Fink is allegedly obligated to pay a debt and is therefore a "consumer" as that term is defined by 15 U.S.C. § 1692a(3).

4. Defendant Viking Client Services, Inc., (hereinafter "Viking") is a foreign business corporation organized and existing under the laws of the State of Minnesota, with its principal executive office at 7500 Office Ridge Circle, Suite 100, Eden Prairie, Minnesota 55344.

5. Viking regularly attempts to collect debts asserted to be due another and is therefore a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6).

6. Any and all acts of Viking hereinafter alleged were performed by Viking's employees while under the scope of the Viking's actual or apparent authority.

7. Any and all references to "Viking" herein shall include Viking and/or an employee of Viking.

**FACTUAL ALLEGATIONS**

8. Prior to March 21, 2014, plaintiff allegedly incurred a debt to the original creditor Citibank, N.A. (hereinafter "Citibank"). Said debt will hereinafter be referred to as the "subject debt".

9. The subject debt is an alleged obligation of Fink to pay money for transactions primarily for personal, family, or household purposes and is therefore a "debt" as that term is defined by 15 U.S.C. § 1692a(5).

10. Prior to March 21, 2014, Viking was hired by Citibank to collect from Fink the subject debt.

11. Viking assigned their own internal account number of "HE0280" to the subject debt.

12. On or about March 21, 2014, Viking sent to Fink a letter (hereinafter "Letter 1") by mail demanding payment of the subject debt. A copy of the Letter is attached hereto as Exhibit "A".

13. In Letter 1, Viking disclosed the acronym "CITI", an acronym of Citibank, through the transparent window of the envelope Letter 1 was mailed in.

14. In Letter 1, Viking disclosed their internal account number of "HE0280" through the transparent window of the envelope Letter 1 was mailed in.

15. On or about May 1, 2014, Viking sent to Fink a letter (hereinafter "Letter 2") by mail demanding payment of the subject debt. A copy of the Letter is attached hereto as Exhibit "B".

16. In Letter 2, Viking disclosed the acronym "CITI", an acronym of Citibank, through the transparent window of the envelope Letter 2 was mailed in.

17. In Letter 2, Viking disclosed their internal account number of "HE0280" through the transparent window of the envelope Letter 2 was mailed in.

18. The similar form of Letters 1 and 2 indicate Viking uses computer generated form letters to demand payment from consumers.

19. Viking directly and indirectly conveyed information regarding the subject debt in Letters 1 and 2, and they are therefore each a "communication" as that term is defined by 15 U.S.C. § 1692a(2).

#### **CAUSE OF ACTION: VIOLATION OF THE FDCPA**

20. The aforementioned acts of Viking have violated the FDCPA as follows:

21. Viking violated 15 U.S.C. § 1692f(8) in Letters 1 and 2 by using language or a symbol, other than Viking's address, on the envelope of Letters 1 and 2 when communicating with Fink.

#### **CLASS ALLEGATIONS**

22. Pursuant to Article 9 of the CPLR, Fink brings this action on behalf of a class.

23. Fink defines the class as all persons, residing in the State of New York, to whom Viking sent debt collection letters demanding payment on behalf of Citibank, similar to Exhibits "A" and "B", disclosing the acronym "CITI" and Viking's internal account number through the transparent window of the envelope, within one year prior to the filing of this action.

24. Excluded from the class are Viking's officers, members, partners, managers, directors, and employees and their respective immediate families, and legal counsel for all parties to this action and all members of their immediate families, and persons who have filed their own individual actions against Viking alleging Viking's violation of the FDCPA by mailing a letter disclosing the aforementioned invoice number on the envelope.

25. The identities of all class members are readily ascertainable from the business records of Viking.

26. The class may be certified pursuant to CPLR 901 because:

- a) On information and belief, Viking sent thousands of substantially similar letters to New York residents, and therefore the class is so numerous that joinder would be impracticable.
- b) There are questions of law and fact common to the plaintiff and the class that predominate over any questions affecting only individual class members. The principal question is whether Viking's conduct in connection with the mailing of Exhibits "A" and "B" and other similar letters to consumers violates the FDCPA.
- c) The claims of Fink are typical of the claims of the class members since each of the claims arise from Viking mailing letters substantially similar to the letter sent to Fink.
- d) Fink will fairly and adequately represent the interests of class members since Fink's interests and those of the class are identical. Fink's counsel is experienced in the legal principles involved in collection abuse claims.
- e) A class action is superior to other available methods for fairly and efficiently adjudicating the controversy, since the large number of class members makes joinder impracticable, and individual actions are too costly and could result in inconsistent outcomes.

**PRAYER FOR RELIEF**

WHEREFORE, plaintiff respectfully requests this court grant the following relief:

- a) An order certifying this action as a class action pursuant to Article 9 of the CPLR;
- b) Statutory damages for Kathleen Fink of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A);
- c) Statutory damages for the class in the amount of the lesser of \$500,000, or 1% of the net worth of the Defendant, pursuant to 15 U.S.C. § 1692k(a)(2)(B)(ii);
- d) Costs and disbursements of this action along with reasonable attorney fees pursuant to 15 U.S.C. § 1692k(a)(3); and
- e) Any and all additional relief as this court deems just and proper.

Dated: Getzville, New York  
February 16, 2015

s/Cyrus B. Chubineh  
Cyrus B. Chubineh, Esq.  
Attorney for Plaintiff  
2655 Millersport Hwy. #714  
Getzville, NY 14068  
Tel: (716) 864-0715



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NYSCEF DOC. NO. 2

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RECEIVED NYSCEF: 02/16/2015

# Exhibit "A"

PRESORTED  
FIRST-CLASS MAIL  
U.S. POSTAGE PAID  
DPCH

0014032400

2-2 023

SDV/K110  
PO Box 1022  
Wisconsin MI 48393-1022  
ADDRESS SERVICE REQUESTED



HE0280/D09/CIT105/A -182 271367480



Kathleen Fink  
74 Steele Cir  
Niagara Falls NY 14304-1121



SDVIK110  
PO Box 1022  
Wixom MI 48393-1022  
ADDRESS SERVICE REQUESTED



7500 Office Ridge Circle  
Eden Prairie MN 55344-3678  
(952) 944-7575 • (800) 767-7895

March 21, 2014

HE0280/D09/CITI05/A -182 271367480



Kathleen Fink  
74 Steele Cir  
Niagara Falls NY 14304-1121

MAIL ALL CORRESPONDENCE TO:

VIKING CLIENT SERVICES, INC.  
PO Box 44997  
Minneapolis MN 55344-2697



Account #: HE0280  
Account Balance: \$441.00

Past Due Balance

\*\*\*Detach Upper Portion And Return With Payment\*\*\*

VCS Account #: HE0280  
Creditor: Citibank, N.A.  
Account #: XXXXXXXXXXXX6874  
Account Balance: \$441.00

Account Type: Childrens Place  
Original Account #: XXXXXXXXXXXX6874  
Last Payment Date: 10/11/13

Citibank, N.A. is the owner of your Childrens Place account.

Citibank, N.A. has assigned the above account to Viking Client Services, Inc. for collection and is due in full.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice, that you dispute the validity of this debt or any portion thereof this office will: obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

Sincerely,  
Scott Lumley  
Viking Client Services, Inc.



This communication is from a debt collector and is an attempt to collect a debt. Any information obtained will be used for that purpose.

As of the date of this letter, your current balance owing is \$441.00. Your balance may periodically increase due to interest, late charges, and other charges as authorized within the terms of your account agreement with the original creditor

New York City Department of Consumer Affairs License Number - #0987255.  
ISDVIK110R21A)

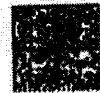
**FILED: ERIE COUNTY CLERK 02/16/2015 03:51 PM**

NYSCEF DOC. NO. 3

INDEX NO. 801967/2015

RECEIVED NYSCEF: 02/16/2015

# Exhibit "B"



SDV/KJ10  
PO Box 1022  
Wisconsin MI 48393-1022  
ADDRESS SERVICE REQUESTED

HE0280/AR2/CTT05/M2 -238 299884855  
Kathleen Fink  
74 Steele Ct  
Niagara Falls NY 14304-1121

0014050200

E-10

122

PRESORTED  
FIRST-CLASS MAIL  
U.S. POSTAGE PAID  
DPCH



SDVIK110  
PO Box 1022  
Wixom MI 48393-1022  
ADDRESS SERVICE REQUESTED



7500 Office Ridge Circle  
Eden Prairie MN 55344-3678  
(952) 944-7575 • (800) 767-7895

May 1, 2014

MAIL ALL CORRESPONDENCE TO:

VIKING CLIENT SERVICES, INC.  
PO Box 44997  
Minneapolis MN 55344-2697

HE0280/AR2/CITI05/M2 -238 299884855



Kathleen Fink  
74 Steele Cir  
Niagara Falls NY 14304-1121

VCS Account #: HE0280  
Amount Due: \$485.61  
Please make all payments payable to "Citibank, N.A.".

Past Due Balance

\*\*\*Detach Upper Portion And Return With Payment\*\*\*

VCS Account #: HE0280  
Account Balance: \$485.61

Creditor: Citibank, N.A. Account Type: Childrens Place  
Account #: XXXXXXXXXXXXX6874 Original Account #: XXXXXXXXXXXXX6874  
Citibank, N.A. is the owner of your Childrens Place account.

At Viking Client Services, Inc., we understand that unexpected situations can occur resulting in financial difficulties for you and your loved ones. Our Account Representatives will work with you to find the best possible repayment arrangement for your unique financial situation.

As authorized agents for Citibank, N.A., we would like to extend an offer to you to resolve your account for an amount less than your current amount due. Please take a moment to contact us, and see if a settlement option is right for you. Upon completion of an agreed settlement, your account will be considered settled with Viking Client Services, Inc., and we will notify our client. Should your settlement payment(s) be returned for any reason by your banking institution, this settlement offer will be considered null and void. We are not obligated to renew this offer.

If you decide to take advantage of a settlement on your account, please note the following information from our client Citibank, N.A.: Whenever \$600.00 or more in principal of a debt is discharged as a result of settling a debt for less than the balance owing, the creditor may be required to report the amount of the debt discharged to the Internal Revenue Service on a 1099C form, a copy of which would be mailed to you by the creditor. If you are uncertain of the legal or tax consequences, we encourage you to consult your legal or tax advisor.

Sincerely,  
Judy Burkett  
Viking Client Services, Inc.  
800 215 1633



This communication is from a debt collector and is an attempt to collect a debt. Any information obtained will be used for that purpose.

As of the date of this letter, your current balance owing is \$485.61. Your balance may periodically increase due to interest, late charges, and other charges as authorized within the terms of your account agreement with the original creditor.

New York City Department of Consumer Affairs License Number - #0987255.

1SDVIK110238(M2)

Viking Client Services, Inc. • 7500 Office Ridge Circle • Eden Prairie MN 55344-3678 • (952) 944-7575 • (800) 767-7895

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

-----X  
KATHLEEN FINK,

Plaintiff,


-against-

VIKING CLIENT SERVICES, INC.,  
Defendant.  
-----X

**CERTIFICATE OF MAILING  
DOCKET NO.**

I hereby certify under the penalty of perjury that on the  
23<sup>rd</sup> day of March 2015, I caused to be served, by first class  
mail, the within Notice of Removal of Action upon:

CYRUS B. CHUBINEH, ESQ.  
2655 Millersport Highway #714  
Getzville, NY 14068

  
\_\_\_\_\_  
ARTHUR SANDERS, ESQ. (AS-1210)